

**ENTERED**

February 20, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

COURTNEY MORGAN,

Plaintiff,

VS.

MARY CHAPMAN, *et al.*,

Defendants.

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CIVIL ACTION NO. 6:17-CV-00004

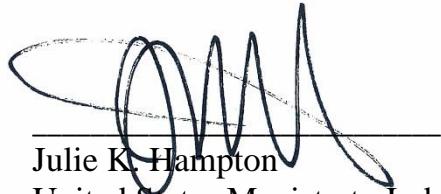
**ORDER GRANTING DEFENDANTS' MOTIONS TO EXCLUDE**

Currently pending are Defendants' motions to exclude the expert testimony of Andrew L. Schlafly and Michael J. Linde (D.E. 170, 171). These non-dispositive matters have been referred to the undersigned magistrate judge for decision pursuant to 28 U.S.C. § 636(b)(1)(A). (D.E. 176); *Finite Util. Consulting, LLC, v. Tawa, Inc.*, No. 4:23-CV-00432, 2025 WL 490483, at \*1 n.2 (S.D. Tex. Feb. 13, 2025) (noting that motions to exclude expert testimony are non-dispositive matters).

In the motions, Defendants seek to exclude the testimony of two of Plaintiff's expert witnesses, Andrew L. Schlafly and Michael J. Linde. Plaintiff did not file any response to either of Defendants' motions, and they are therefore deemed unopposed pursuant to Local Rule 7.4. Other courts in this district have granted unopposed motions to exclude on this basis alone. *See, e.g., Silverthorne Seismic, LLC v. Sterling Seismic Servs., Ltd.*, No. CV H-20-2543, 2021 WL 4311101, at \*2 (S.D. Tex. Sept. 21, 2021); *Guidry v. City of Houston*, No. CIV.A. H-11-1589, 2013 WL 211114, at \*1 n.1 (S.D. Tex. Jan. 17, 2013) (both

granting a motion to exclude as unopposed under Local Rule 7.4). Moreover, as noted in *Guidry*, Plaintiff bears “the burden of establishing the admissibility of his own expert,” so beyond the requirements of Local Rule 7.4, Plaintiff’s failure to respond does not satisfy his burden of showing by a preponderance of the evidence that the testimony of his experts is admissible. *See Guidry*, 2013 WL 211114, at \*1 n.1. Accordingly, the motions (D.E. 170, 171) are **GRANTED**.

ORDERED on February 20, 2025.



Julie K. Hampton  
United States Magistrate Judge